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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,656
Filing Date: December 22, 2000
Appellant(s): ROLLINS ET AL.

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GROUP 3600

Mr. Rick A. Toering, Reg. #43,195
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06 January 2006 appealing from the office action mailed 11 May 2004.

The Examiner's Answer mailed 16 May 2005 in response to the Appeal Brief filed 08 February 2005 is vacated as ordered by the Board of Patent Appeals and Interferences. It was determined by the Board that both the Appeal Brief and the Examiner's Answer were non-compliant according to the New Rules set forth in 37 CFR 41.37 effective September 13, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

- US Patent Application Serial No. 09/747,651, filed 22 December 2000, entitled: "Pre-Filing Order Forms for Transactions Over a Communications Network." An Examiner's Answer was mailed on 11 November 2005. A Reply Brief and Request for Oral Hearing were filed 03 January 2006.
- US Patent Application Serial No. 09/747,666 filed 22 December 2000, entitled: "Tracking Transactions By Using Addresses In a

Communications Network." An "Order Returning Undocketed Appeal to Examiner" was mailed on 12 July 2005.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claims 1-6 and 9-14 are rejected under 35 USC 102(e) as being anticipated by Arnold et al. (Paper # 8, patent number 6,016,504).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,016,504 ARNOLD et al. 1-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6 and 9-14 are rejected under 35 USC 102(e) as being anticipated by Arnold et al. (Paper # 8, patent number 6,016,504).

Arnold et al. teach all the limitations of Claims 1-6 and 9-14. For example, Arnold et al. disclose a system and method for establishing and maintaining a virtual outlet relationship on the Internet between an entity that controls and manages a Web site constituting a virtual outlet and a merchant that controls and manages a different Web site (please see at least abstract; Fig. 1A (1A01, 1A09, 1A10, 1A11); col. 1, line 5 through col. 4, line 32). Arnold et al. further disclose:

- the use of computers executing programs, commands, logic, and routines (see at least col. 1, lines 47-58; col. 12, lines 1-12; col. 13, line 58 through col. 14, line 6),
- a first web page associated with an a shopping application (Fig. 1B (1B11); Fig. 25; col. 7, lines 30-41),
- a second web page associated with a merchant (Fig. 1B (1B20, 1B30); Fig. 26; col. 7, lines 41-50),
- the updated second web page with a hyperlink to the first web page (see at least Fig. 1B (1B40); col. 7, lines 50-54),
- a third object associated with a third web page included in the second web page that includes a confirm order button to complete a sale (see at least Fig. 27; col. 14, lines 41-55), and

- use of the return Web page after the sale is complete (see at least col. 7, line 55 through col. 8, line 6).

(10) Response to Argument

Independent claim 1: Arnold does not appear to disclose at least generating by the intermediary, an updated second electronic document that includes a second object associated with the first address.

The Examiner respectfully disagrees with the Appellant. Arnold discloses consumers accessing a virtual outlet for the purpose of conducting electronic commerce over the Internet. The virtual outlet commerce site provides each online consumer with electronic access to a plurality of online merchants through a virtual outlet Web site managed by a computer (please see at least Fig. 1A (1A10, 1A11, 1A01-1A04, 1A09); col. 5, lines 24-40; col. 6, line 65 through col. 7, line 29). Arnold discloses the virtual outlet providing a first electronic document requested by the consumer that provides merchant shopping data and electronic URL addresses referred to as hot links to second electronic documents (please note: the term hot link is a common synonym for hyperlink that is not challenged by the Appellant) (please see Fig. 1B (1B10-“ACME Cyberstore”); Fig. 25; col. 5, lines 41-42). Second electronic documents are dynamically created using online merchant data and images (Fig. 1B (1B20, 1B30); col. 7, line 30 through col. 8, line 6). Arnold discloses the second electronic document being generated and displayed to the consumer (see Fig. 1B (1B30-“ACME Cyberstore”)), and

further discloses the virtual outlet passing to the second electronic document a URL address (col. 6, lines 6-12) used in the generation and updating of the second electronic document (please note: both the virtual outlet and the selected online merchant contribute to the generation of the second document). The virtual outlet provides to the second electronic document a URL address associated with the first electronic document that is specifically associated with an icon on the second electronic document (please see Fig. 1B (1B20-“ACME Cyberstore”, 1B30-“ACME Cyberstore”, “RETURN” icon; col. 8, lines 4-6) (please note: the RETURN icon links the consumer to the virtual outlet that directed the consumer to the merchant site which provides more functionality than the standard “BACK” button on a web browser). Arnold discloses at least generating by the intermediary, an updated second electronic document that includes a second object associated with the first address.

Independent claim 9: The Examiner respectfully disagrees with the Appellant for similar reasons as noted above. Arnold discloses computer programs being executed. Computer readable medium in computers is so fundamental to computing as to not warrant further treatment.

Dependent claims 2-6 and 10-14: The Appellant’s arguments for dependent claims are based solely on arguments presented for the above independent

claims. The Examiner respectfully disagrees with the Appellant's arguments pertaining to dependent claims for the reasons noted above under independent claims 1 and 9.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Robert M. Pond
Primary Examiner
March 16, 2006

Conferees:

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